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LAWYERS

January 4, 2012

US EPA RECORDS CENTER REGION 5



426528

United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590
Attention: Joan Tanaka, Chief
Remedial Response Branch #1 - Chemetco Superfund Site,
Hartford, IL

Ms. Tanaka:

I have reviewed your November 30, 2011, letter to Michael Smith of Empire Metal. Please be advised that Empire Metal itself is a party to a Chapter 11 bankruptcy case pending in the U.S. Bankruptcy Court for the Southern District of West Virginia. There is pending before the Court a motion to sell the assets of Empire Metal, free and clear of liens with liens to attach to the proceeds. Empire Metal does not have the capability to participate in a significant response cost. We believe that Empire Metal should qualify for a de minimis settlement.

Very truly yours,

Joseph W. Caldwell

JWC/cat

ccs: USEPA

Attention: Margaret Herring, Civil Investigator
USEPA Region 5
77 West Jackson Boulevard S-6J
Chicago, IL 60604 & VIA Email herring.margaret@epa.gov

Michael Smith